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AUG 20 2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Edgar A. O'Rear, III, et al.  
Serial No. : 10/692,171  
Filing Date : October 23, 2003  
Title : METHOD FOR MAKING AN ARTICLE WATER  
RESISTANT AND ARTICLES MADE THEREFROM  
Group/Art Unit : 1794  
Examiner : AHMED, SHEEBA  
Confirmation No. : 8356  
Docket No. : 820233.02310

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT****ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

The above-identified application became abandoned for failure to file a timely and proper reply to a final office action mailed on January 10, 2008 by the United States Patent and Trademark Office (USPTO). The official date of abandonment is July 11, 2008 and the Notice of Abandonment was mailed by the USPTO on July 31, 2008.

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**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

A grantable petition requires the following items:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(I);
- (3) A showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

**REQUIREMENTS**

**1. Reply and/or fee**

[1] The reply to the above-noted Office action in the form of a Request for Continued Examination (RCE) has been filed previously on May 8<sup>th</sup> 2008 but is also filed herewith.

[2] The fee for a one month extension for the above-noted Office action is enclosed herewith.

**2. Petition fee**

Small entity-fee \$255.00 (37 CFR 1.17(I)). Applicant claims small entity status. See 37 CFR 1.27.

**3. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(a)**

was unavoidable. Applicant's attorney filed a Request for Continued Examination (RCE) in response to the final office action, mailed January 10, 2008, on May 8, 2008 but failed to submit the fee for a one month extension. On July 24, 2008, Applicant's attorney performed a status check using the Private Pair function of the USPTO's website ([www.uspto.gov](http://www.uspto.gov)) on all of Applicant's files. Applicant's attorney then discovered that a Notice Requesting Extension of Time Fee had been mailed by the USPTO on May 13, 2008 but never received by Applicant or Applicant's attorney. The first time Applicant's attorney became aware of the Notice Requesting Extension of Time Fee was on July 24, 2008, which was 13 days after July 11, 2008, the date the above mentioned application officially became abandoned.

Once the Applicant's attorney became aware of the Notice Requesting Extension of Time Fee that was never received, Applicant's attorney contacted the Examiner by telephone to make them aware of the situation. Applicant's attorney and the Examiner determined that a Notice of Abandonment would have to be sent and a Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a) must be prepared and submitted to the USPTO by Applicant's attorney.

Applicant and Applicant's attorney were never made aware that the one month extension fee had not been paid and thus, the RCE had not been considered. This allowed the application to unavoidably go

abandoned due to the fact that Applicant's attorney was awaiting communication from the USPTO.

4. A terminal disclaimer is not required due to this utility application being filed on or after June 8, 1995.

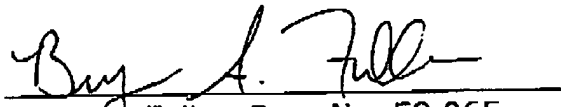
Filed herewith are:

- [1] Fee payment for petition fee and the one month extension fee discussed herein.
- [2] Reply
- [3] The Acknowledgement Receipt from May 8, 2008 showing that the RCE was successfully and electronically filed in a time frame that only required a one month extension fee.

**CONCLUSION**

In the event that any outstanding issues remain that would delay the acceptance and granting of this petition, the USPTO representative handling this matter is urged to contact the undersigned to telephonically discuss such outstanding issues.

Respectfully submitted,



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